United Nations S/2012/195

Security Council

Distr.: General
5 April 2012

Original: English

Letter dated 5 April 2012 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to forward to you a copy of the concept paper for the open debate of the Security Council on the theme "Securing borders against illicit flows" to be held on 25 April 2012 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Susan E. **Rice**

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Annex to the letter dated 5 April 2012 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

Securing borders against illicit flows

The United States will convene a meeting of the Security Council to discuss strengthening the capacity of the United Nations to help Member States secure their borders against illicit flows of materials and goods, as well as people. The Council has repeatedly addressed the threats to international peace and security posed by these flows across unsecured borders, which include drugs, conventional arms, sanctioned contraband, terrorists and their funds, materials related to weapons of mass destruction, conflict minerals and trafficked persons. In numerous presidential statements and resolutions, the Council has identified how such transfers can fuel nuclear proliferation, terrorism, organized crime, conventional arms proliferation and other triggers of instability. In these presidential statements and resolutions, including many under Chapter VII of the Charter of the United Nations, the Council has encouraged or required States to take a range of actions to defend their borders against these often interrelated threats.

Member States recognize that strengthening border security is required to effectively counter illicit flows, which undermine State sovereignty. To protect themselves from these external dangers and comply with international obligations, States often request international assistance to help them monitor, control and secure their borders. Such assistance aims to develop effective customs and immigration systems, foster law enforcement and intelligence cooperation and put in place necessary administrative and legislative frameworks. There are already substantial bilateral, regional and multilateral efforts under way to help States build these critical capacities.

Yet, in spite of the significant attention paid to the need to improve border security, the Security Council has never taken a comprehensive approach to considering how United Nations structures can most effectively assist States in securing their borders against illicit flows. While recognizing that illicit trafficking has characteristics unique to specific items and people, looking at illicit flows comprehensively — rather than solely through a piecemeal approach focused on smuggling in specific items — may help the Council fully understand the challenges faced by Member States and the need to develop more effective United Nations strategies to address them.

Response by the United Nations

A number of United Nations structures, including the Secretariat, funds, programmes, agencies, panels and groups (see enclosure), are already working to help States secure their borders. Some of these bodies are directly under the purview of the Security Council, including the 1540 Committee's group of experts, the Counter-Terrorism Committee Executive Directorate and sanctions expert panels that are mandated to help States understand and implement their obligations to block illicit flows of certain items. Other parts of the United Nations system also play a role, either as core parts of their mission or as part of broader peacebuilding or other post-conflict tasks. These disparate United Nations structures typically focus

narrowly on securing borders from specific threats. For example, separate United Nations bodies exist to help States implement counter-terrorism and non-proliferation obligations, combat narcotics trafficking and fight organized crime (the Executive Directorate, the 1540 Committee and the United Nations Office on Drugs and Crime, respectively).

Although these United Nations bodies approach the problem from different angles, they often perform very similar functions. For example, these bodies frequently evaluate State institutions, provide technical advice and match donors with assistance needs. They also focus on the same set of border security capacities. Although there is obvious overlap and similarity in these tasks, there has been no overarching effort to assess whether the current constellation of United Nations structures, which grew up in an ad hoc manner over many years, could be aggregated, streamlined or rationalized to improve both effectiveness and efficiency.

Thematic session of the Security Council in April

To help frame the Security Council discussion in April, the Secretary-General, perhaps joined by other Secretariat officials, will present a briefing that outlines the United Nations structures now working to help States secure their borders against illicit flows. Council members are then invited to discuss the challenges of building State border security capacity, as well as the operational roles of regional organizations and the United Nations in this field and ways to strengthen them. The meeting will be held at the level of Permanent Representatives. In particular, Council members may wish to address the following in their statements:

- Specific challenges faced by Member States in securing their borders against illicit flows
- Views on the ability of the United Nations, regional and subregional organizations to help States improve their border control capacity in the light of such flows, including areas where more attention or resources are required
- National experiences working with such organizations on strengthening State capacity to secure borders against illicit flows
- Areas in which States may have special capacity to assist others in improving border and port security

As a follow-up to this discussion, we propose that the Security Council ask the Secretariat to prepare, within six months, a diagnostic assessment of these different United Nations structures and the degree to which they are actually meeting States' capacity-building needs. This assessment would survey the current activities of these structures, evaluate how well they are coordinating with each other and locate gaps or areas of duplication.

The Security Council would also ask the Secretariat to develop options and recommendations to streamline and improve the ability of the United Nations to help States counter illicit flows. While mindful that distinct strategies and mechanisms may sometimes be required to address specific threats, the Secretariat should identify opportunities to achieve economies of scale and step increases in effectiveness by taking a broader, more comprehensive approach to improving the ability of States to defend their borders from illicit flows. We anticipate these

recommendations could help guide the Council in follow-on action in the areas under the Council's authority.

Product: presidential statement

At the Security Council session, the Council will adopt a presidential statement that will underscore the vital role of the United Nations in helping States secure their borders, encourage greater internal United Nations coordination and coherence in this field and request the Secretariat to prepare the diagnostic assessment and options referred to above.

Enclosure

Illustrative list of United Nations and structures related to the United Nations that help States secure borders against illicit flows

- International Atomic Energy Agency
- International Civil Aviation Organization
- International Maritime Organization
- International Criminal Police Organization (INTERPOL)
- Security Council Committee established pursuant to resolution 1540 (2004) (1540 Committee) and its group of experts
- United Nations Counter-Terrorism organs:
  - Counter-Terrorism Committee Executive Directorate
  - Counter-Terrorism Implementation Task Force
- United Nations Development Programme
- United Nations Office for Disarmament Affairs
- United Nations Office on Drugs and Crime
- United Nations Institute for Disarmament Research
- United Nations field missions/Department of Peacekeeping Operations
- United Nations sanctions expert panels/Department of Political Affairs
- United Nations Security Council subsidiary organs, including the Counter-Terrorism Committee, 1540 Committee and relevant sanctions committees
- United Nations Interregional Crime and Justice Research Institute
- World Customs Organization